

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY Cas D.C.

2005 SEP -2 PM 4:12

Corey Wiles, individually and on behalf of
himself and all persons similarly situated,

Plaintiff,

v.

INTEL CORPORATION, a Delaware
corporation,

Defendant.

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

Civil Action No. 2:05-cv-02605-JDB

(State Civil Action No. CT 3801-05

Div. IV)

05 - 914

PLAINTIFF'S MOTION TO REMAND

TO DEFENDANT AND THEIR ATTORNEY OF RECORD:

PLEASE TAKE NOTICE THAT Plaintiff hereby moves the Court for an Order remanding this action, pursuant to 28 U.S.C. § 1447, to the Circuit Court of Shelby County, State of Tennessee, on the grounds that this Court lacks jurisdiction over this action as the named Plaintiff does not seek damages in excess of \$5,000,000 and on the grounds that no independent federal jurisdiction exists allowing this action to be heard in Federal Court.

This Motion is based on the accompanying Memorandum of Points and Authorities and on the papers, records, and pleadings on file herein. A [Proposed] Order is attached.

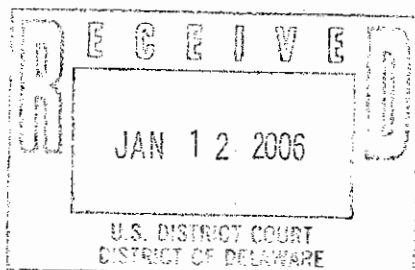
**GLASSMAN, EDWARDS, WADE
& WYATT, P.C.**

By: _____

B. J. Wade #5182

26 North Second Street

Memphis TN 38103



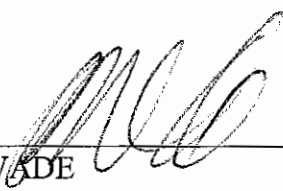
Telephone: 901.527.4673
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CERTIFICATE OF CONSULTATION

Pursuant to W.D. TENN. CIV. R. 7.2(a)(1)(B), I affirm that on August 29, 2005, I consulted with Jef Feibelman, Counsel for Defendant Intel Corporation, regarding the action requested by this Motion. We were unable to agree on this Motion.



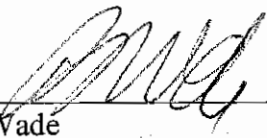
B. J. WADE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading has been properly served electronically via email transmission and U.S. mail, postage pre-paid, this 2nd day of September, 2005, upon the following:

Jef Feibelman, Esq.
Burch, Porter & Johnson
130 North Court Avenue
Memphis, TN 38103

Richard Ripley, Esq.
Bingham & McCutchen
1120 20th Street, N.W., Suite 800
Washington, D.C. 20036



B. J. Wade

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[PROPOSED] ORDER

THIS COURT, having reviewed the Plaintiff's Motion and Memorandum in Support of Motion to Remand, the Defendant's Notice of Removal and Statement of Facts and Authorities in Support of Removal and having reviewed the operative Complaint, grants Plaintiff's Motion to Remand this action to Circuit Court of Shelby County, State of Tennessee. Plaintiff's Complaint does not allege any claim under Federal Law. Based on the nature of the claims, the amount in controversy is less than the \$5,000,000 minimum jurisdictional amount required for this Court to retain jurisdiction based on 28 U.S.C. § 1332(d)(2).

Accordingly, this action shall be immediately remanded to the Circuit Court for Shelby County, Tennessee. The Clerk of the Court is hereby instructed to remand this action to the Circuit Court of Shelby County, State of Tennessee.

IT IS SO ORDERED.

Dated: August _____, 2005

Judge, United States District Court